IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

C.R.P.PD. Nos.1059 and 1060 of 2006
and
M.P.No.1of 2006

N.Thangavel ... Petitioner in both C.R.Ps. (4th Defendant

Versus

1. Punjab National Bank
rep. by its Manager,
7/26A, First Floor
New Scheme Road,
Pollachi.

2. M/s Masaniamman Traders
rep. by its Proprietor
K.M.Lakshmanaraju
35, Municipal Office Road,
Pollachi Post.

3. K.M.Lakshmanaraju ... Respondents in both C.R.Ps. (Plaintiff and Defendants 2 and 3)

Civil Revision Petitions filed under Article 227 of constitution of India against the order of the Subordinate Judge, Pollachi, dated 26.12.2005 made in I.A.Nos.1001 and 1002 of 2004 respectively in O.S.No.391 of 2002.

For Petitioner : Mr.T.S.Sivagnanam

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ORDER

The learned Subordinate Judge, Pollachi after accepting the claim of the Bank that their officers being frequently shifted from one place to another and due to over burden of work they were not in a position to find out the legal heirs of the third defendant, condoned the delay of 559 days in filing a petition to bring the legal representatives of the third defendant. Inasmuch as the

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learned Subordinate Judge, accepted the reason for the delay and exercised his discretion and also taking note of the fact that the plaintiff is a nationalised bank, condoned the delay, in the absence of any other material, I am not inclined to interfere. The learned counsel appearing for the petitioner submitted that the petitioner's father was only a guarantor. In such circumstances, the petitioner is free to raise the said objection at the appropriate time. With the above observation these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

gms

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Subordinate Judge,
Pollachi.

+ one cc to Mr. T.S. Sivagnanam, Advocate sr no. 38043

JP(CO)
NM(15.09.2006)

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1060 of 2006

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